

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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J & J SPORTS PRODUCTIONS, INC., as :
Broadcast Licensee of the May 5, 2007 DeLaHoya/ :
Mayweather Program :
Plaintiff, : **ORDER**
- against - : 07-cv-4394-ENV-JMA
VERONICA FORBES and FRANKLIN B. :
FORBES, individually and doing business as :
THE PATIO PLACE a/k/a PATIO II a/k/a THE :
PATIO RESTAURANT, and THE PATIO :
PLACE a/k/a PATIO II a/k/a PATIO :
RESTAURANT, :
Defendants. :
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VITALIANO, D.J.

Plaintiff J & J Sports Productions, Inc. filed the above-captioned action against individual defendants Veronica Forbes, individually and doing business as The Patio Place a/k/a Patio II a/k/a Patio Restaurant, and Franklin B. Forbes, individually and doing business as The Patio Place a/k/a Patio II a/k/a Patio Restaurant on October 19, 2007. After defendants failed to respond, plaintiff filed a motion for default judgment. This Court, on March 18, 2008, referred this motion to Magistrate Judge Joan M. Azrack for a Report and Recommendation as well as an inquest on damages and costs. On October 31, 2008, Magistrate Judge Azrack issued a Report and Recommendation recommending that damages be awarded to plaintiff in the amount of \$1,000 in statutory damages, \$3,000 in enhanced statutory damages, and \$550 in costs. No objections to Magistrate Judge Azrack's Report and Recommendation have been timely filed.

In reviewing a Report and Recommendation, this court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Moreover, in order to accept a magistrate judge's Report and Recommendation where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F.Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985)).

After careful review of all the evidence in the record below, the Court finds Magistrate Judge Azrack's Report and Recommendation as to the appropriate amount of damages in this action to be correct, comprehensive, well-reasoned, and free of any clear error. The Court, therefore, adopts the Report and Recommendation in its entirety as the opinion of the Court. Accordingly, for the reasons stated therein, the plaintiff is awarded \$1,000 in statutory damages, \$3,000 in enhanced statutory damages, and \$550 in costs.

Plaintiff is directed to submit Judgment in accordance with this opinion. The Clerk is directed to close this case.

SO ORDERED.

DATED: Brooklyn, New York
December 17, 2008

s/ENV

ERIC N. VITALIANO
United States District Judge